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Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

OFFICE OF GENERAL
COUNSEL

MUR # **6818**

Re: Complaint Regarding FEC Violations Occurring from Late 2013 Through the First Quarter of 2014

Complainant: Erin Clements,

, NM 88011,

Respondent: Allen Weh, Candidate for the United States Senate in New Mexico,
Committee ID C00555573, Candidate ID S4NM00100

To Whom It May Concern:

There have been numerous FEC violations and appearances of FEC violations committed by the Respondent in recent months during his United State Senate race in New Mexico. The facts are listed and described below.

1. Failure to File End of Year FEC Report

The Respondent publicly announced that he was considering a United States Senate run as early as December 5, 2012. The fact was documented by Roll Call in the following article: <http://atr.rollcall.com/new-mexico-weh-considering-2014-senate-bid/?dcz=>

In October 2013, the Respondent attended a Republican Party fundraiser called "The Harvest" in the Albuquerque Marriott Pyramid Hotel. He introduced himself to several people in the room as a candidate for the United States Senate at that event. This information was obtained from GOP member, Mike Nagel.

In December, at another Republican meeting in Las Cruces, NM, two Republican party officials, Russell Allen and Caren Lulich, announced to the approximately 100 people in the room that the respondent was certainly in the race for United States Senate. The Complainant is witness to these facts.

The Respondent was known to have been circulating nominating petitions to qualify for the ballot under New Mexico State Law as early as October, 2013 in Lea, Dona Ana and Bernalillo Counties. This information was supplied by the Complainant, Ann Batson, the GOP Lea County Chairwoman, and GOP member Mike Nagel.

The respondent failed to file and End of Year FEC report.

The "Testing the Waters" exemption would have ceased to apply as early as October 2013 because the Respondent (1) made or authorized written or oral statements that referred to himself as a candidate for a particular office, (2) The individual took action to qualify for the ballot under State law.

Since he was no longer exempted by the "Testing the Waters" exemption, an End of Year FEC report and a Declaration of Candidacy should have been filed in a timely manner.

2. Appearance of Using Corporate Resources to Run a Campaign

In October 2013, the Respondent met with his current primary challenger at the Respondent's corporate office. The Respondent's corporation is called CSI Aviation and is located at 3700 Rio Grande Blvd NW, Albuquerque, NM 87107. The Respondent informed his primary challenger that he had recently spent \$26,000 on another poll and was still considering whether or not he would enter the race despite the actions described above. Diego Espinoza, the Respondent's campaign manager, was present at the corporate office during this meeting.

A frivolous lawsuit was filed in March 2013 by Diego Espinoza against the Respondent's primary opponent claiming defamation over true statements made by the Respondent's primary opponent. The lawsuit stated "[Diego Espinoza] was recently granted a leave of absence from his full-time employment at CSI Aviation Services to be involved in a political campaign. [Diego Espinoza] continues to be a part time paid employee at CSI Aviation and was expected to return to his position at CSI aviation after his campaign service." (See Attachment A).

There is an appearance of gross impropriety in that unreported corporate funds are being used to pay a part time salary to a campaign manager while he is running the Respondents campaign and has been placed on a leave of absence from his regular job.

Given that the Respondent failed to file an End of Year FEC report and the fact that Diego Espinoza was present in the Respondent's corporate offices, very likely handling campaign business, there is an appearance that the Respondent is trying to hide corporate donations and campaign expenditures from the public.

3. FEC Violations in Respondent's First Quarter FEC Report – Hiding Payroll Expenditures

The Respondent's First Quarter FEC report shows a total expenditure of approximately \$81,300 to the Payroll Company, 10433 Montgomery Parkway Loop NE, Suite 100, Albuquerque, NM 87107. Presumably this company handles payroll for the Respondent's campaign employees. No other salary expenditures are listed in the Respondent's FEC report.

The Respondent has a legal employment relationship with his employees, and the payroll vendor was simply making payment on the Respondent's behalf. The Respondent failed to itemize these expenditures and disclose who the money was paid to in violation of FEC rules. This has every appearance of the Respondent attempting to hide behind a vendor to avoid disclosing campaign salary expenditures in violation of FEC regulations.

4. FEC Violations in Respondent's First Quarter FEC Report – Exceeding Contribution Limits

Weh accepted \$15,000 on 1/23/2014 from a single donor, Dr. Jerry W. Bettman. He claims \$10,000 of it for the primary and \$5,000 for the general, exceeding the \$2,600 limit for each. The Respondent's report shows no contribution refunds on Line 20 (d) of the receipts summary. If the money was refunded, it was not reported correctly.

Signed and sworn to by:

Erin Clements

Complainant, Erin Clements

Signed and sworn to before: 5 day of May 2014

Kris Gomez



OFFICIAL SEAL
Kris Gomez
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires 11/19/2016

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STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO

DIEGO ESPINOZA,

Plaintiff,

v.

No.

DAVID CLEMENTS, a candidate for the
United States Senate from New Mexico,
CLEMENTS FOR NEW MEXICO, and
BOB C. DOE, and JANE C. DOE,
unknown political consultants for the
Clements for New Mexico campaign,

Defendants.

CIVIL COMPLAINT FOR DAMAGES

Plaintiff Diego Espinoza, by and through his counsel of record, the Barnett Law Firm,
P.A. (Colin L. Hunter) for his Complaint against Defendants states:

INTRODUCTION

1. Defendants knowingly published and disseminated false statements that have jeopardized the reputation of Diego Espinoza and have caused Diego Espinoza actual damages. Defendants have falsely accused Espinoza of committing a felony under both state and federal law by alleging that Espinoza "hacked" into Clements's email and forwarded an e-mail message to Clements's contacts.

2. A felony is a serious crime punishable by jail. Because of Defendants' false statements, Espinoza has suffered public and personal humiliation, loss of business opportunities, damage to his good name and character, harm to his standing in the community, and mental

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release and links to their web site to multiple press outlets in the state of New Mexico. Defendants have also given interviews to reporters. The deliberate falsehoods by Defendants have been published in print form and they have been referenced on television. David Clements is directly quoted in the New Mexico Watchdog article making false statements about Diego Espinoza.

26. Communication of false and defamatory "facts" about Plaintiff. Diego Espinoza did not "hack" the Clements email system as alleged. The documents available to Defendants show that Defendants at all times knew that although Diego Espinoza may have "forwarded the email", Diego Espinoza did not make any unauthorized or criminal use of the Defendants' computer system.

27. Defendants knew these communications were false, or recklessly or negligently made the communications. Defendant David Clements is a former prosecutor in Dona Ana County, New Mexico. David Clements is aware, or should be aware that the sort of "hacking" he has alleged is a violation of both federal and New Mexico law. His intentional use of that term is knowingly false and he is acting with malice. The other Defendants are working in concert with Defendant David Clements and likewise knew or should have known of the falsity of these allegations.

28. Injury. Plaintiff was recently granted a leave of absence from his full-time employment at CSI Aviation Services to be involved in a political campaign. Plaintiff continues to be a part time paid employee at CSI Aviation and was expected to return to his position at CSI aviation after his campaign service.

29. Plaintiff has been notified by William Collins, the President and COO of CSI Aviation that the false statements that Diego Espinoza "hacked" an email account has a direct effect on:

A. His ability to conduct his current duties with CSI Aviation and